

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7444 of 2021

=====

Jitendra Gahlaut @ Ghaoult Son of Shree Harihar Gahlout, Resident of
Village-Chilmi Kala, P.O. Nimabhoul Thana Amas, Madanpur, Simri,
Distirct-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Principal Secretary Home Department General of Police,
Bihar.
2. The Director General of Police, Bihar.
3. The Inspector General of Police, Mithila Zone, Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Senior Superintendent of Police, Darbhanga.
6. The Inquiry Officer-Cum-Sub Divisional Police Officer, Benipur,
Darbhanga. Benipur, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate with Ms. Jyati Jashi, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC- 8 with Mr. Sanjay Kumar, AC to SC- 8

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
order of the Inquiry Officer, dated 30.09.2020 (Annexure- 7),
inasmuch as it has found the petitioner to have been on



unauthorized leave, is with reference to a particular number of days, which comes to nearly seventy five (75) days. The Disciplinary Authority, however, had arrived at a conclusion that total number of days of overstayal of leave was ninety seven (97) days.

3. Learned counsel for the State points out from the order of the Appellate Authority that Appellate Authority has taken note of the fact that the petitioner had joined on 02.04.2020 at 'Amas Police Station' and performed duties for twenty one (21) days.

4. This aspect, though considered, by the appellate Authority the consequence of such consideration by reducing the overstayal period from ninety seven (97) days, accordingly, has not been done. The error is manifest from bare perusal of the inquiry report, and the order of the Appellate Authority (respondent No. 3) to this extent only is quashed. The matter, therefore, is remanded to the respondent No. 3, to ensure that the consequence of the findings by the Appellate Authority are commensurate to the consideration with reference to number of days.

5. Let final orders be passed within eight (8) weeks' from the date of receipt/production of a copy of this order, as it



appears that the issue involves nothing more than a matter of calculation.

6. Accordingly, the writ application is allowed to the above extent.

(Madhuresh Prasad, J)

Raj kishore/-

U			
---	--	--	--

